

## **REMARKS**

This is intended to be a complete response under 37 C.F.R. § 1.116 to the Official Action mailed June 5, 2007. Claim 1 is amended herein. Claims 1 and 2 remain pending. No new matter has been added and no new search of the art is necessitated by the amendments.

### **Claim Objection**

Claim 1 has been amended in accordance with the suggestions of the examiner to improve the precision and clarity thereof.

### **Rejection under § 102(b)**

Claim 1 stands rejected under 35 U.S.C. § 102(b) as being anticipated by Ludwig Institute For Cancer Research (WO 97/34927, September 25, 1997).

The claim has been amended to indicate that the N-terminal amino acid consists of isoleucine as set forth in SEQ ID No: 1.

This amendment unambiguously distinguishes the claimed protein over the protein in the cited reference, which as an N-terminal amino acid consisting of methionine.

Further, in the rejection it is stated:

"the structure disclosed in the art is 100% identical to the claimed structure, thus, would inherently possess the claimed function."

However, as explained previously the protein described in the Ludwig reference is not 100% identical to the claimed protein since the claimed protein is soluble and the protein described in the Ludwig reference is not.

In view of the above, applicant respectfully submits the claimed protein is not anticipated in view of the Ludwig reference and thus respectfully requests reconsideration and withdrawal of the rejection.

**CONCLUSION**

In view of the above, Applicants respectfully submit the claims are now in a condition for allowance and request issuance of a Notice of Allowance thereof.

Respectfully submitted,



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